

Message Text

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ACTION SCSE-00

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FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC 8918

UNCLAS BELGRADE 7939

FOR SCS AND L (SCA)

EO 11652:NA

TAGS: CASC YO

SUBJ: JUDICIAL SERVICES: DEPOSITIONS

1. EMBASSY HAS ALWAYS BEEN UNDER IMPRESSION THAT YUGOSLAV LAW DOES NOT PERMIT CONSULS TO TAKE DEPOSITIONS FROM YUGOSLAV CITIZENS. JUDGING BY OUR FILES, DEPARTMENT ALSO OPERATING ON THIS ASSUMPTION. WE HAVE CONSISTENTLY TOLD U.S. ATTORNEYS THAT LETTERS ROGATORY ONLY WAY TO TAKE DEPOSITIONS HERE.

2. WE HAVE JUST BEEN INFORMED BY FEDERAL SECRETARIAT FOR FOREIGN AFFAIRS THAT WE CAN TAKE DEPOSITIONS FROM YUGOSLAV CITIZENS. FOREIGN SECRETARIAT OPINION BASED ON EXCHANGE OF NOTES VERBAL IN OCTOBER 1938; U.S. NOTE #224, DATED OCTOBER 17, 1938 AND YUGOSLAV NOTE #23928 DATED OCTOBER 24, 1938.

3. WOULD DEPARTMENT ON PRIORITY BASIS PLEASE CHECK EXISTENCE OF THESE NOTES AND ADVISE. WE WERE ABOUT TO REPLY TO A REQUEST FROM A U.S. ATTORNEY TO TAKE A DEPOSITION IN CONNECTION WITH DIVORCE PROCEEDINGS. WE HAD INFORMED THE YUGOSLAV CITIZEN INVOLVED WHO PHONED A FRIEND IN THE FOREIGN SECRETARIAT WHO IN TURN TOLD US ABOUT THE 1938 EXCHANGE OF NOTES. SILBERMAN

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